



PATENT

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OCT 1 8 2001  
TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tracy E. Grim, et al. Examiner: Marie Patterson  
Serial No. 09/592,462 Group Art Unit: 3728  
Filed: June 9, 2000 Docket No. 480032-309  
Title: FOOTGEAR WITH PRESSURE RELIEF ZONES

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to the Commissioner for Patents, BOX: Non-Fee Amendment, Washington, D.C. 20231 on October 9, 2001

*Justina S. Townsend*  
Justina S. Townsend

BOX: Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

DECLARATION OF ALAN C. ROSE

I, ALAN C. ROSE, hereby declare as follows:

1. I am a patent attorney, registered to practice before the U.S. Patent and Trademark Office, Registration No. 17,047. I currently am involved in the prosecution of the above-identified patent application.
2. In connection with the above-identified Reissue Patent Application, we tried to have all three inventors sign the Reissue Declaration. We were successful in having one of the inventors, Tracy Grim, sign the Reissue Declaration, and we also have enclosed a Declaration on behalf of Royce Medical, the assignee of the invention and patent application.
3. We have been informed and believe that two additional inventors, Kevin R. O'Donnell and Eric G. Montag are no longer employees of Royce Medical. We made an effort to contact these two inventors, as indicated by Exhibits A and B to this Declaration, using the

latest available addresses provided by employees of Royce Medical. Further, I hereby certify that the letters corresponding to these Exhibits were actually sent with the listed enclosures. With regard to Mr. Montag, we received the letter and enclosed exhibits returned by the U.S. Postal Service as "undeliverable," and upon request we would be pleased to send the returned package to the U.S. Patent Office. No reply or returned material has been received back from Kevin R. O'Donnell. It is further noted in passing that these two missing inventors had assigned their interest in the invention to Royce Medical Company, in assignments filed in the parent patent application.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent application issuing thereon.

Respectfully submitted,

Date: 10/9/01

Alan C. Rose  
Alan C. Rose

Attached: Exhibits A and B

# OPPENHEIMER

OPPENHEIMER WOLFF & DONNELLY LLP

2029 Century Park East, Suite 3800  
Los Angeles, CA 90067-3024

Telephone: 310.788.5000  
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Minneapolis

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Orange County

Paris

Silicon Valley

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oppenheimer.com

July 10, 2001

Kevin R. O'Donnell  
CallWave, Inc.  
136 West Canon Perdido, Suite A  
Santa Barbara, CA 93101-8207

Re: Royce Medical Company  
480032-307  
U.S. Reissue Patent Application Serial No. 09/592,462  
Title: "FOOTGEAR WITH PRESSURE RELIEF ZONES"

Dear Kevin:

Enclosed please find a Declaration relating to a Reissue case in which you are a co-inventor. This is the case with the Footgear With Pressure Relief Zones.

It would be appreciated if you would sign the Declaration and return it to me in the enclosed stamped return envelope. For your convenience we are enclosing a copy of the original patent and the new claims.

Your cooperation will be appreciated.

In the event that you should personally or for your new employer ever need advice or assistance on trademark or patent matters, please give me a call. You can reach me at work or at home anytime before 9:00 p.m. Thank you.

Best regards,

**ORIGINAL SIGNED BY  
ALAN C. ROSE**

Alan C. Rose  
OPPENHEIMER WOLFF & DONNELLY LLP

ACR:jst

Enclosed:

- 1) Copy of Original Patent
- 2) New Reissue Claims
- 3) Declaration
- 4) Return Envelope

cc: Kelly Speakes

**EXHIBIT "A"**

# OPPENHEIMER

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July 10, 2001

Eric G. Montag  
7438 Wish Avenue  
Van Nuys, CA 91406

Re: Royce Medical Company  
480032-307  
U.S. Reissue Patent Application Serial No. 09/592,462  
Title: "FOOTGEAR WITH PRESSURE RELIEF ZONES"

Dear Kevin:

Enclosed please find a Declaration relating to a Reissue case in which you are a co-inventor. This is the case with the Footgear With Pressure Relief Zones.

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Best regards,  
**ORIGINAL SIGNED BY**  
**ALAN C. ROSE**

Alan C. Rose  
OPPENHEIMER WOLFF & DONNELLY LLP

ACR:jst

Enclosed:

- 1) Copy of Original Patent
- 2) New Reissue Claims
- 3) Declaration
- 4) Return Envelope

cc: Kelly Speakes

EXHIBIT "B"